

## APPEAL NO. 010579

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on March 5, 2001. The hearing officer resolved the disputed issues by determining that the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease; that the date of the alleged occupational disease is \_\_\_\_\_; that the respondent (self-insured) is relieved from liability under Section 409.002; and that the self-insured did not waive the right to contest the compensability of the claimed occupational disease injury. While the claimant's request for review globally challenges all the substantive findings, he focuses his argument on the injury and notice determinations. The self-insured urges in response that the evidence is sufficient to support the challenged findings.

### DECISION

Affirmed.

The hearing officer did not err in concluding that the claimant did not sustain a compensable injury in the form of an occupational disease; that the date of injury of the alleged occupational disease is \_\_\_\_\_; that the self-insured is relieved from liability under Section 409.002; and that the self-insured did not waive the right to contest the compensability of the claimed occupational disease injury. These conclusions are sufficiently supported by the findings of fact.

The claimant testified that she slipped and fell on \_\_\_\_\_, while performing custodial duties at a school and injured her left knee, left ankle, and right wrist and that the self-insured accepted those injuries; that she has not worked since that date; that an MRI in June or July 2000 revealed the presence of a ganglion in her right wrist which is causing carpal tunnel syndrome (CTS) and right median neuropathy in that extremity; and that her repetitive work for the self-insured including vacuuming, mopping, emptying trash cans, and wiping blackboards caused the ganglion cysts and the sequellae. The medical evidence on causation was in conflict. However, the hearing officer found the report of Dr. P to be more credible and found that the right ganglion cyst, right CTS, and right median neuropathy were neither caused by nor aggravated by the claimant's work activities. The hearing officer also found that the self-insured did not receive notice of a right wrist injury, other than the original right wrist strain/contusion injury accepted by the self-insured, until some time after August 29, 2000, and that the self-insured did not fail to contest the compensability of the alleged occupational disease injury within 60 days of receiving written notice of such injury. The factual findings challenged by the claimant are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust, which are, in turn, sufficiently supported by the evidence. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Susan M. Kelley  
Appeals Judge